

ONTARIO COLLEGE OF TEACHERS

DISCIPLINE COMMITTEE

REASONS FOR DECISIONS AND ORDERS

IN THE MATTER OF ONTARIO COLLEGE OF TEACHERS ACT, 1996, and the Regulation (Ontario Regulation 437/97) thereunder:

AND IN THE MATTER OF discipline proceedings against Nancy Ocampo.

The Discipline Committee held a hearing on July 5, 1999,

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

- and -

**NANCY OCAMPO
CERTIFICATE #163052**

PRESENT:

Members of the Panel

Paul Charron (Chair)

Jean Hanson

Karen Mitchell

The Honourable Patrick Galligan, Independent Counsel to the Panel

Mr. L. Thomas Forbes, Q.C. and Mr. Chris Sach-Anderson, Counsel for the Prosecution

Ms Ocampo was not present and was not represented by counsel at the hearing.

A Notice of Hearing, dated October 15, 1998 was served on Nancy Ocampo, requesting attendance before the Discipline Committee of the Ontario College of Teachers on November 26, 1998, to set a date for hearing and specifying the charges. The hearing date was scheduled for July 5, 1999.

It was alleged that Nancy Ocampo was guilty of professional misconduct in that:

- a) she failed to maintain the standards of the profession, contrary to Ontario Regulation 437/97, subsection 1(5);
- b) she failed to comply with the Education Act or the regulations made under that Act, contrary to Ontario Regulation 437/97, subsection 1(15);
- c) she contravened a law and that contravention is relevant to her suitability to hold a certificate of qualification and registration, contrary to Ontario Regulation 437/97, subsection 1(16);
- d) additionally or alternatively, she contravened a law and that contravention has caused or may cause a student under her supervision to be put at risk, contrary to Ontario Regulation 437/97, subsection 1(17);
- e) she performed her teaching duties in an unsatisfactory manner resulting in deficiencies in classroom management, discipline and communication with students;
- f) she failed to comply with instructions from supervisors contained in memoranda dated May 3, 1993 and November 22, 1994 regarding cessation of use of physical punishment as a form of discipline;

- g) she performed acts or omissions that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, contrary to Ontario Regulation 437/97, subsection 1(18); and
- h) she engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19).

The Notice of Hearing stated that Nancy Ocampo was a member of the Ontario College of Teachers and therefore came under the jurisdiction of the Ontario College of Teachers (Exhibit 2).

On July 5 1999, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether Nancy Ocampo was guilty of professional misconduct.

Nancy Ocampo was not in attendance at the hearing, nor was she represented by counsel. Proof of service of the Notice of Hearing was presented and accepted by the panel (Exhibit 2).

EVIDENCE:

Counsel for the Ontario College of Teachers referred to the charges set out in Exhibit 2, alleging that Nancy Ocampo was guilty of professional misconduct in that her acts were contrary to the Professional Misconduct Regulation made under the Ontario College of Teachers Act and filed as Regulation 437/97 on December 4, 1997, in particular,

subsections 1 (5), (15), (16), (17), (18) and (19). Particulars of the alleged misconduct were set out in Exhibit 2 and they were to the effect that:

1. Nancy Ocampo was a member of the Ontario College of Teachers.
2. At all material times, Nancy Ocampo was employed as a teacher at [REDACTED] by the Toronto Catholic School Board.
3. In May of 1993, following a complaint of physical punishment used by Nancy Ocampo on a student [REDACTED] as a form of discipline, Ms Ocampo, was advised by her superior in a memorandum dated May 3, 1993, that the use of physical punishment was against the policy of Metropolitan Separate School Board, now Toronto Catholic School Board.
4. In a memorandum dated November 22, 1994, following further complaints by students of the use of physical punishment by Ms Ocampo, the member was advised in a memorandum from Metropolitan Separate School Board now Toronto Catholic School Board that physical punishment is an inappropriate form of discipline and that its continued use will have serious consequences.
5. Regardless of the warnings contained within those memoranda, between January and April 1996, Nancy Ocampo continued to use physical punishment as a method of disciplining students.
6. Between January 1, 1996 and April 30, 1996, Nancy Ocampo pulled the shirt of student [REDACTED] when attempting to discipline him. At that time, [REDACTED] was 9 years old.
7. Between the same dates, Nancy Ocampo slapped student [REDACTED] on the head, hit him on the leg with a classroom pointer, pulled his nose and hit him on the nose

- with a book in attempts to discipline him. At that time, student [REDACTED] was 10 years old.
8. Between the same dates, Nancy Ocampo slapped student [REDACTED] on the face in an attempt to discipline her. At that time, student [REDACTED] was 9 years old.
 9. Between the same dates, Nancy Ocampo shook the head of student [REDACTED]. At that time, student [REDACTED] was 11 years old.
 10. Between the same dates, Nancy Ocampo slapped the face of student [REDACTED], pulled his hair and pushed him into the classroom causing him to cry. At that time, student [REDACTED] was 9 years old.
 11. As a result of the matters referred to above in connection with student [REDACTED], Nancy Ocampo was charged with and found guilty of committing an assault on student [REDACTED] contrary to the Criminal Code of Canada and on February 20, 1998 the court directed a conditional discharge, one years probation and thirty hours community service.
 12. Between January 1, 1996 and April 30, 1996, Nancy Ocampo slapped student [REDACTED] on the face in an attempt to discipline him. At that time, [REDACTED] was 11 years old.
 13. The aforesaid activities in respect of student [REDACTED] are public knowledge through media coverage of the criminal trial involving the member.
 14. The aforesaid activities and the publicity resulting from media coverage and communication within the general public has resulted in a reputation and image inconsistent with that expected of a member.

Counsel presented evidence that Nancy Ocampo is a member of the Ontario College of Teachers, (Exhibit 2). At all material times, Nancy Ocampo was employed by the

Toronto Catholic School Board, formerly the Metropolitan Separate School Board as a teacher.

FINDINGS OF FACT:

The panel finds the following facts:

- (1) After being formerly advised on May 3, 1993 and on November 22, 1994 by formal memorandum from her immediate supervisor, Helen Bochar, Principal, not to use physical discipline, Ms Ocampo continued to do so.
- (2) In 1996, a number of students brought a complaint to the attention of the principal about her use of physical force for discipline.
- (3) After investigation by the Catholic Children's Aid Society and the police, she was charged with six counts of assault under the Criminal Code and found guilty of one count (Exhibit #3).
- (4) Ms Ocampo was sentenced to conditional discharge and probation for a period of one year (Exhibit 3).

The Committee also heard evidence from the student [■] that he had been slapped on the left side of his face close to his nose by Ms Ocampo, and had witnessed Ms Ocampo using physical force to discipline another student.

REASONS:

Because the Committee finds that based on the evidence presented, Ms Ocampo's actions constitute professional misconduct under subsections 1 (5), (16), and (19) the Committee is of the view that the imposition of a suspension of one year is appropriate as both a specific and a general deterrent.

DECISIONS AND ORDERS:

Based on the reasons outlined above, the Committee finds Nancy Ocampo guilty of professional misconduct under section 1, subsections (5), (16) and (19) of the Professional Misconduct Regulation, as alleged, and directs the Registrar to suspend Nancy Ocampo's Certificate of Qualification and Registration for a period of one year from July 1, 1999.

The Committee also put a publication ban on the name of the victims and stated that these victims be identified only by their initials.

Pursuant to Section 30(5)(iii) of the Ontario College of Teachers Act, the Committee orders that the findings of this hearing, as well as the name of the member, be published in the official publication of the Ontario College of Teachers and in any other manner or medium that the Committee considers appropriate in the particular case.

Notice

It is important to the College's role in the governance of the profession to provide evidence to members that the College is active in self-regulation and is vigilant to breaches of its bylaws and rules of conduct. Such evidence is provided through notification of the decisions and orders of the College's disciplinary Committees, and is, in the opinion of the panel, a practice that has significant general deterrent value.

**DATED AT TORONTO, THIS 7th DAY OF JULY, 1999
BY ORDER OF THE DISCIPLINE COMMITTEE**

Paul Charron (Chair)

Jean Hanson

Karen Mitchell